

FILED
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JUN 25 AM 10
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARTIN L. SPENCE

CIVIL NO:

PETITIONER, PRO SE

04-10385-1
IMMIGRATION & NATURALIZATION SERVICE

RESPONDENT

PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241 BY A PERSON IN
CUSTODY.

PETITIONER'S NAME: MARTIN L. SPENCE

PETITIONER'S PRISON NUMBER: 0304629

PLACE OF CONFINEMENT: SUFFOLK COUNTY, H.D.C.

TYPE OF DETERMINATION: DEPORTATION

WHO MADE THE DETERMINATION: IMMIGRATION
JUDGE

WHERE DETERMINATION WAS MADE: 26 FEDERAL
PLAZA, NEW YORK, N.Y.

WHEN DETERMINATION WAS MADE: 1992

DID YOU APPEAL THE DETERMINATION: YES

TO WHOM DID YOU APPEAL: BOARD OF
IMMIGRATION APPEAL

WHEN WAS THE APPEAL DECIDED: 1994

WHAT WAS THE RESULT: DENIED

STATE CONCISELY EVERY GROUND ON WHICH YOU CLAIM THAT YOU ARE BEING HELD UNLAWFULLY. SUMMARIZE BRIEFLY THE FACTS SUPPORTING EACH GROUND:

GROUND ONE: INEFFECTIVE ASSISTANCE OF COUNSELOR.

SUPPORTING FACTS TELL YOUR STORY BRIEFLY WITHOUT CITING CASES OR LAW:

IN 1993, I WAS ORDERED DEPORTED BY THE IMMIGRATION JUDGE FOR A CONVICTION I HAD IN 1976 AND FOR WHICH I SERVE 7 YEARS IN NEW YORK STATE PRISON UNTIL I WAS PAROLED IN 1982 INTO THE CUSTODY OF INS. I REMAINED IN THEIR CUSTODY FOR 12 MONTHS UNTIL I WAS BAILED OUT IN MARCH 1983 BY MY MOTHER AND FRIENDS. WHILE ON THE STREET, I WENT SCHOOL, WORK AND HELP TO SUPPORT MY MOTHER.

MY FIRST COURT APPEARANCE AFTER I WAS BAILED OUT WAS IN DECEMBER 1990 AND I WAS IMMEDIATELY ASSIGNED TO REV. AUBERT VITAGLIONE BY THE IS, WHO TOLD ME HE WAS A GOOD ATTORNEY, AND COULD HELP ME WITH MY CASE. I BELIEVED WHAT THE IS TOLD ME AND AGREE TO BE REPRESENTED BY REV. VITAGLIONE. I WAS NEVER GIVEN A LIST OF ANY LEGAL ORGANIZATION OR ASKED IF I WANTED TO HIRE MY OWN ATTORNEY. I LATER FOUND OUT REV. AUBERT VITAGLIONE WAS NOT A ATTORNEY AND HAS NO LEGAL EXPERIENCE IN DEALING WITH MY IMMIGRATION ISSUES.

CONSEQUENTLY, I WAS ORDERED DEPORTED BECAUSE OF THE LACK OF LEGAL EXPERTISE BY REV. VITAGLIONE, WHO HAS NEVER BEEN HELPFUL OR HELPTFUL TO ME FROM THE START OF MY IMMIGRATION PROCEEDING.

GROUND TWO: HARDSHIP ON MY FAMILY

SUPPORTING FACTS TELL YOUR STORY BRIEFLY
WITHOUT CITING CASES OR LAW:

I HAVE BEEN IN THE UNITED STATE SINCE OCTOBER 1974.
I HAVE NEVER WENT BACK TO JAMAICA, I HAVE NO FAMILY
HERE, ALL OF MY FAMILY LIVE HERE, MY MOTHER, BROTHER, SISTER,
MY WIFE AND THREE KIDS, PLUS OTHER CHILDREN OUTSIDE OF MY
MARRIAGE, WHOM I USED TO SUPPORT AND ALL OF MY CLOSE
RELATIVE, LIVES HERE. MY FATHER PASS AWAY IN 1979 AND IF I
WERE TO BE DEPORTED BACK TO JAMAICA IT WOULD CAUSE
EXCEPTIONAL AND EXTREMELY HARDSHIP TO ME, MY WIFE, MY CHILDREN
AND MOTHER.

WHEREFORE THE PETITIONER PRAYS THAT THE COURT
GRANT PETITIONER THE RELIEF TO WHICH HE MAY BE
ENTITLED IN THIS PROCEEDING.

I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON: FEB 24, 2003

Martin L. Spence
SIGNATURE OF PETITIONER